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Europol cooperation in Hungarian law enforcement

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Abstract

Aim: The aim of the article is to present the practical aspects of Europol's role in Hungarian law enforcement.

Methodology: We have collected knowledge about the operation of Europol, its services and support of law enforcement by studying the available EU and Hungarian regulations, as well as performing the former management tasks of Europol Hungarian Liaison Bureau, and practical implementation of the tasks of the crime coordinator assisting domestic procedures.

Findings: Europol's law enforcement services provide Hungarian law enforcement agencies with opportunities that cannot be provided by other agencies. In addition to supporting specific investigations, the institutional system also provides IT, strategic and financial support to countries.

Value: The study provides operational, practical insights into the possibilities of cooperation with Europol, which will allow the staff of the criminal and judicial authorities to have a deeper insight into the more effective detection and investigation, as well as answers on the individual services and their future, also interpreted in the context of the readers.

Keywords: Europol, SIENA, information exchange directive, interoperability

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Europol's liaison officer system, current structure of the Hungarian office

The Europol Hungarian Liaison Office (hereinafter: EHLO) is located in the Hague and has four permanent staff members; three from among the personnel of the police and one from the National Tax and Customs Administration. Their staffs is complemented by an expert delegated by the Counter-Terrorism Centre and, owing either to institutional funding or to a grant from the Internal Security Fund, by two additional trainees, who are delegated from different national bodies and rotate on a bi-monthly basis. The office works by representing domestic institutions, coordinating operational matters, organising visits by delegations and participating in the exchange of criminal information. The Passenger Data Information and International Cooperation Department of the National Information Centre also delegates a professional colleague to the passenger data unit of the agency.

The EHLO liaises directly with other EU Member States and with liaison offices of third countries and international organisations located at the headquarters of the agency. The network thus established consists of nearly 300 officers. Its particular importance lies in its personal working relationship with law enforcement agencies in Europe and overseas (Canada, USA, Australia, New Zealand, Colombia) involved in Europol cooperation.

Fighting serious and organised crime with the help of Europol

In addition to its specific information exchange applications, the Agency also supports the fight against crime in the Member States by producing strategic summary reports on current criminal organisation structures and trends.

For example, according to the quadrennial Serious and Organised Crime Threat Assessment (SOCTA), cannabis continues to have the largest market in the EU (URL1). Albania is a major source of cannabis plants, while Morocco, Afghanistan, Lebanon and Syria are the main sources of cannabis resin. The main sources of cocaine smuggled into the EU are Colombia, Peru and Bolivia. Most of it arrives in the EU by ship, mainly in maritime containers, and is then transported by road to local markets. The main producers and suppliers of synthetic drugs are located in Belgium, the Netherlands, Germany, Poland and the Czech Republic.

Europol's most recent comprehensive assessment is its 2024 report on decoding the most threatening criminal networks in the EU (URL2). Based on a broad picture, EU Member States and third countries have identified a total of

821 serious criminal networks operating in the EU, more than a third of which have been active for at least ten years, with an estimated 25,000 members from 112 nationalities. 68% of the members of these criminal organisations are from several nationalities, with members mainly from Belgium, France, Germany, Italy, the Netherlands, Poland and Spain. Non-EU members are mostly from Albania, Bosnia and Herzegovina, China, Georgia, Nigeria, Serbia, Türkiye, the United Kingdom and Ukraine.

82% of the networks deal with one main type of crime, only 18% are characterised by polycriminality, but more than half are involved in drug trafficking. They have a robust organisational structure and 86 percent use legal business models in their operations. The majority of their activities are intertwined with corruption and the use of violence is steadily increasing, with 68 percent using violence and intimidation. Almost all networks (96 percent) launder their proceeds from illegal activities themselves.

Criminals from Belarus, Czechia, Hungary, Moldova, Poland, Russia, Slovakia and Ukraine often cooperate. The dominant nationalities are often Polish or Ukrainian. The main types of crime are tax and excise fraud, online fraud, migrant smuggling and drug trafficking.

Tasks, databases and services of Europol

In international criminal cooperation, Europol and its development of the Secure Information Exchange Network Application (SIENA) play a key role.

Considering the potential of the support offered by Europol's services, it is a clear ambition that Europol and SIENA should be the primary channel of cooperation in domestic cases related to criminal offences within Europol's mandate, in line with the Europol Regulation[1] and the Directive of the European Parliament and the Council on information exchange between law enforcement authorities of the Member States and repealing Council Framework Decision 2006/960/JHA. Thanks also to the ongoing awareness activities of the International Law Enforcement Cooperation Centre and the traineeship program, it is increasingly clear to colleagues that this is the fastest and most efficient channel for cooperation with EU Member States and non-EU European countries, as well as non-European countries with operational agreements.

1 Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA.

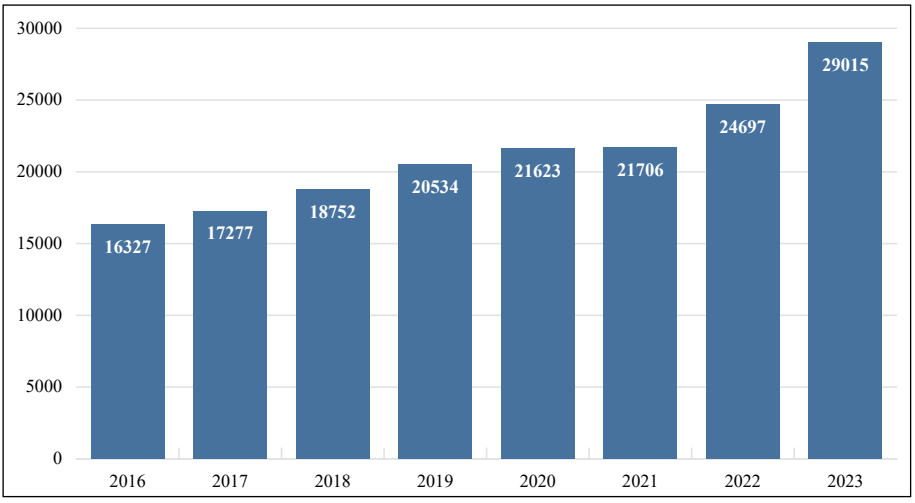
All police bodies with criminal functions have direct or indirect access to SIENA, such as the National Police Headquarters, the police headquarters of the counties (and the capital), police stations, the Rapid Response and Special Police Service National Investigation Bureau or the Airport Police Directorate. The system is also accessible to the National Protective Service, which performs internal crime prevention and detection tasks, the Counter-Terrorism Centre and the central and regional bodies of the National Tax and Customs Administration specialising in criminal matters.

The application makes it simple and secure to send a request abroad with specific operational data and the response thus obtained can be used for official purposes. It is used in English. Thanks also to the structured message format, the average response time is short and can be measured in days. In all cases, the inclusion of Europol in the message provides the countries concerned with a cross-reference report on the presence of the objects concerned in previous messages.

Criminal information exchange on SIENA

The Hungarian SIENA message traffic is increasing year by year, with 16,327 in 2016, 17,227 in 2017, 18,752 in 2018, 20,534 in 2019, 21,623 in 2020, 21,076 in 2021, 24,697 in 2022 and 29,015 in 2023 (10,453 sent and 18,562 received). One of the reasons for this increase is the increase in the number of actual domestic users and the introduction of SIENA's Basic Protection Level (BPL), i.e. non-classified data management system. In addition to the central authorities, the number of SIENA requests from county authorities and, through them, local authorities, is also clearly on the rise, partly due to the traineeship program.

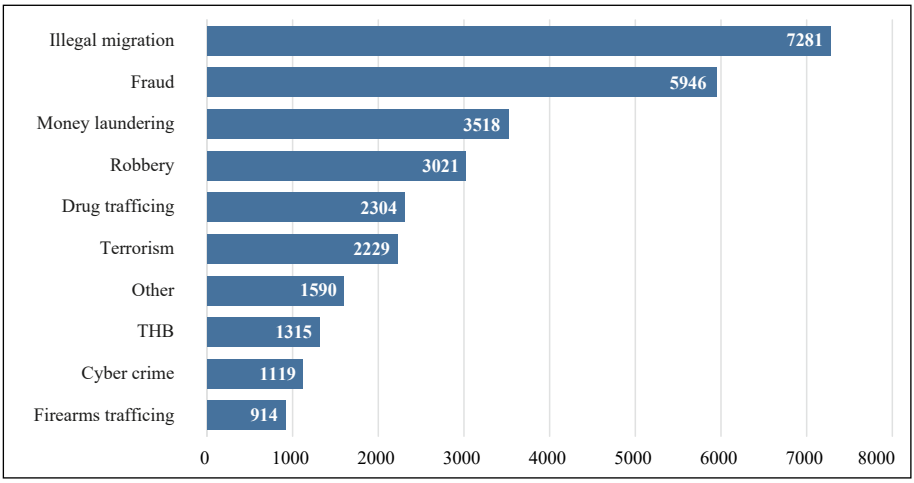
Figure 1
Evolution of the number of criminal information exchanges on SIENA between 2016 and 2023



Note. SIENA statistics.

In terms of the distribution of messages by criminal areas, in 2023, most information exchanged was in the area of illegal migration and human trafficking, followed by information exchanged on fraud-type crimes, which includes classic fraud (e.g. currency exchange fraud), newer types of fraud (e.g. grandchild-imitating fraud) and online fraud (e.g. investment fraud, money transfer fraud, etc.). The third highest number of messages exchanged was related to money laundering offences, with a very high proportion related to cybercrime and online fraud as underlying offences. The fourth ranked robberies were typically exchanges of information regarding Eastern European or Balkan criminals operating in Western Europe, and the fifth was drug trafficking.

Figure 2
Distribution of information exchanges on SIENA by criminal areas in 2023



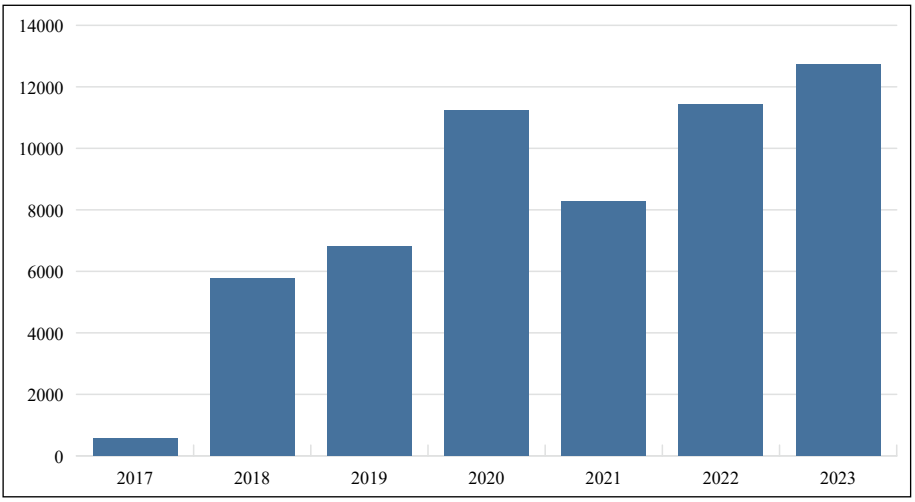
Note. SIENA statistics.

The role of EIS and the statistics on criminal data uploading

Through the Europol Information System (hereinafter: EIS), objects of national proceedings can be shared in full, from persons, to means of communication, or invoice data. In addition to the uploading of data by the Member States, Europol's role is also important here, as it is the agency that stores information from third countries. In the right role, this data can also be accessed directly through the police case management system.

With regard to EIS, in 2017 Hungary had 525 items in the system, in 2018 5772, in 2019 6,785, in 2020 11,267, in 2021 reduced to 8,264, in 2022 11,476 and at the end of 2023 12,719 items were in the system.

Figure 3
Evolution of the number of EIS domestic items between 2017 and 2023



Note. EIS statistics.

So while EIS is a common, mutually searchable database of investigations and objects in each country, SIENA is used for the international exchange of information between law enforcement agencies. The latter is used even for requesting the background of the data queried in EIS or for transmitting other requests.

Europol Analysis Projects

Europol Analysis Projects (AP) operates within the Europol information collection, processing and analysis system and focus on specific areas of crime. They bring together specialists and analysts with outstanding expertise in a particular criminal field, and are effectively small autonomous units. These specialists have usually previously worked in a national law enforcement agency in a Member State in the relevant criminal field. Several excellent former Hungarian colleagues are currently working as specialists or analysts in these projects, for example in the fields of illegal migration, narcotics, human trafficking or counter-terrorism. It goes without saying what an advantage it is to be able to contact these colleagues directly through the Hungarian Liaison Office in priority cases or cases requiring urgent action.

The main tasks of the projects are analysing information, identifying links and overlaps between national investigations, facilitating operational meetings between the law enforcement agencies involved in the cases, and providing expertise and, if necessary, training to support investigations and knowledge sharing. There are currently 25 analysis projects in operation, such as AP Migrant Smuggling against illegal migration and smuggling of migrants, AP Drugs against drug trafficking, AP Cyborg against cyber-attacks, or AP Sustrans against money laundering. Joining analysis projects is voluntary, and Hungary is a member of all analysis projects and actively participates in the joint work in the respective criminal areas.

Participation of domestic bodies in international actions

Our law enforcement agencies are regularly actively involved in operational actions and joint days of action in different criminal areas, with the participation or coordination of Europol. During such actions, national law enforcement agencies, including domestic agencies, mostly carry out intensified and targeted checks, arrests, searches and seizures, asset detection and asset recovery, or even broad crime prevention and awareness activities.

A good example is the anti-trafficking operation day carried out in February 2024 by the Belgian police and the Rapid Response and Special Police Service National Investigation Bureau, with the support of Europol, during which eight suspects were arrested in Belgium and Hungary. Belgian police arrested four Belgians, one French and one Hungarian, while their Hungarian counterparts arrested one Belgian and one Hungarian national. During the searches and seizures, the authorities seized 16 high-end cars, jewellery, luxury watches, digital devices and mobile phones, as well as €40,000 in cash. Both the Belgian and Hungarian police identified and secured the potential victims of the network (URL3).

Another good example is the joint action week of Europol's Victim Identification Task Force in late 2023, which led to the identification and rescue of three vulnerable children and the arrest of two perpetrators. The operation, coordinated by Europol, involved 33 experts from 26 countries and aimed to identify victims and perpetrators of child sexual abuse and sexual exploitation in photographs and films (URL4).

Europol and innovation – Europol Innovation Lab

On the 8th of October 2019, at the EU Justice and Home Affairs Council, Ministers agreed on the need to set up a Europol Innovation Lab (hereinafter: Lab). The task of the Lab is to help European law enforcement professionals to make the best use of the opportunities offered by new technologies, so that they can do their job more effectively and efficiently in the fight against organised crime and terrorism. The Lab provides a structure and a package of services to help the European law enforcement community avoid duplication of effort and pool resources. The Lab identifies law enforcement agencies in Member States that are researching and developing innovative solutions and tools that are relevant to the work of other European colleagues and helps them in launching joint innovation processes.

There are four main pillars that drive the work of the Lab. Firstly, project-related tasks, where the Lab supports and coordinates various projects led by Member States, which are proposed and launched by Member States within the framework of the EuCB (see below). Secondly, the Lab represents Europol in projects in which Europol participates directly (e.g. Horizon 2020 projects). Under the second pillar, the Lab operates the Europol Innovation Tool Repository on the Europol Expert Platform (EPE), which contains technical solutions and software developed by Europol or Member States.

The second pillar is the so-called Observatory, the monitoring part of the Lab, which tries to anticipate future challenges through information gathering and risk analysis, how they may affect law enforcement work, how they may be used by criminals or law enforcement professionals.

The third is the operation of a network of innovation professionals. The Lab has established working relations with all relevant European networks of law enforcement related experts (e.g. ENLETS – European Network of Law Enforcement Technology Services; ENFSI – European Network of Forensic Science Institutes, etc.), relevant academic and market actors, international organisations (e.g. Interpol), which can serve as a base to support the Lab's activities.

The fourth is the innovation hub function, which is carried out through the EU Internal Security Innovation Centre, closely linked to the Lab, operating within its organisation but effectively independently. The EU Internal Security Innovation Centre is a collaborative network of innovation laboratories working to provide the latest innovation updates and effective solutions to support the work of internal security actors in the EU and its Member States, including justice, border security, immigration, asylum and law enforcement professionals. The EU Innovation Centre is hosted by the Lab, where the 'hub team' support

collaboration between different EU innovation labs and specialised innovation networks across Europe. The hub team is made up of staff from different EU agencies and Member States. Its tasks include developing joint innovative technology solutions, strategic technology foresight, advising on ongoing and future innovation projects, identifying research and innovation initiatives in the field of technology, identifying potential overlaps and pooling resources.

European Clearing Board (EuCB)

Following the establishment of the Europol Innovation Lab by the Ministers, the Heads of Europol National Units (HENUs) decided on the 5th of November 2020 on a proposal from the German BKA (Bundeskriminalamt) to establish the EuCB on a voluntary basis to support the relationship between the EU Member States and the Lab. Member States' participation in the EuCB is voluntary and is done through designated contact points. Its secretariat is also located within the Lab.

Its main tasks include communicating the needs and operational requirements for technical solutions from the operational to the strategic level, acting as a focal point for the exchange of existing innovative solutions between EU law enforcement agencies, and discussing the need for new working groups to be set up within the Lab (to map a specific technical issue, synthesise the needs of the stakeholders, develop a technical solution, etc.). A key task is to disseminate the results of the Lab and its working groups widely to national law enforcement practitioners.

Currently, there are ten working groups within the EuCB, of which Hungary participates as a member in four working groups: the Working Group on Facial Image Comparison and Identification Systems, the Working Group on Satellite Imaging, the Working Group on Horizon Monitoring and Technology Foresight, and the Working Group on Illicit Trafficking in Cultural Goods.

Future challenges and the future of cooperation

Artificial Intelligence, Quantum Computing and Quantum Technology, Robotics, Big Data, Smart Cities and the Internet of Things (IoT) are just a few examples of key technologies that are emerging as new opportunities and threats to law enforcement work that law enforcement professionals need to be aware of.

Consider that, while on the one hand, quantum computing can be used for law enforcement purposes to decrypt criminals' encrypted communications over encrypted channels, or to access and analyse digital assets and data sets that have been previously unhackable, criminals can also use this technology to decrypt victims' passwords and hack into their online accounts. The use of AI in law enforcement is very broad, including the analysis of large amounts of seized digital data, CCTV footage, child sexual exploitation and abuse footage, or even the detection of potential future offenders and crime scenes, to name just a few examples of the use of the technology.

At the same time, the technology can easily be used to support image generators and deepfake applications, meaning that even criminals who are not familiar with the technology can now commit crimes using AI. As a simple example, ChatGPT can be used to produce a few pages of extracts from a public document of several hundred pages, saving hours of work for the staff, but it can also be used to draft a phishing email.

Drones make it easy for law enforcement agencies to map or monitor hard-to-reach locations, but they can also be used to support cross-border drug or cigarette smuggling.

These are just a few examples that illustrate that the technologies of the future – and increasingly the present – are already knocking on the door of law enforcement.

As regards Europol's operational support to Member States' law enforcement agencies, it can be observed that the provision of such support is a top priority. This can be seen both in the further development and expansion of existing support facilities and in the development of new services. This is in line with the second priority set out in the Europol 2020+ Strategy, which calls for Europol to provide agile operational support. The Agency will produce an annual survey on the level of user satisfaction with the support it provides. The feedback focused on the evaluation of the activities of the European Serious and Organised Crime Centre (ESOCC), the European Cybercrime Centre (EC3), the European Counter-Terrorism Centre (ECTC) and the European Financial and Economic Crime Centre (EFECC) within Europol.

Key innovative solutions to support operational work

- Virtual Command Post (VCP)
  VCP is an application that can be installed on mobile phones and desktop computers. It is used to support and coordinate international operations and provide reliable connections for users with access. Participants can use the

application to send text, audio and video messages. Secure data exchange is possible by the fact that the server is located in the Europol building and is therefore independent of any external service provider. In addition, the great advantage of information exchange via VCP over traditional internet-based communication applications (such as WhatsApp, Signal, Viber) is that the data and information exchanged there can be easily transferred to SIENA, which speeds up the processing and analysis of operational data.

- Europol Decryption Platform
  Investigators are facing increasing challenges in accessing encrypted digital evidence. 2020 saw the most significant hardware upgrade ever of the Europol Decryption Platform, which has been operational since 2013, in partnership with the EU Joint Research Centre (JRC). The platform is capable of decrypting encrypted data (e.g. password-protected files, folders, containers, etc.) stored on devices seized during investigations (e.g. hard drives, flash drives, phones, etc.).
- Blockchain Analysis
  Transactions involving cryptocurrencies are increasingly being linked to cyber and other crimes. The service provided by the agency allows the analysis of transactions with them, the detection of the turnover of each account, and the tracing of the currency's route.
- Digital forensics support and content extraction for mobile devices
  A major challenge in national investigations is accessing and recovering the content of seized computers, storage devices and mobile communication devices. Europol's Digital Forensics Lab carries out IT investigations requested by Member States and third parties. It offers innovative solutions for the recovery and analysis of operational information retrieved from digital devices, computers and digitally restored storage devices.
- Operation Task Force (OTF) and High Value Target (HVT)
  In 2018, Europol started implementing the OTF and HST concept, whereby a High Value Target is designated on the basis of a proposal by a Member State, according to a set of criteria. Operational Task Forces are set up to dismantle criminal organisations run by these targets. Financial support (e.g. informant allowances, purchase/rental of technical equipment for operations, interpretation, translation fees) is available to Member States for their operation. Additionally, for the effective functioning of the OTF, it is possible to deploy so-called short term SNEs (seconded national experts) to participating States. Hungary is a member of OTF 324 ('Operation Greenlight'). Hungary joined Operation Greenlight, led by the FBI and coordinated by Europol, at the beginning of May 2021. The initiative used the encrypted

ANOM system operated by the FBI to access the communications of certain organised crime groups and thus curb their illegal activities.

The Information Exchange Directive

The Council of the European Union adopted a Code of Police Cooperation to enhance law enforcement cooperation between the member states of the European Union and to modernise the cross-border exchange of information. The new rules on operational police cooperation and information sharing contribute to the improvement of cross-border operations, establish clear channels and deadlines for the transfer of data, and also strengthen the role of Europol. As a general rule, Europol must also be involved in the exchange of information related to crimes falling within the mandate of the regulation governing the agency, except in cases that endanger its success. On the one hand, this will give the agency conducting the procedure additional analytical capacity, and on the other hand, parallel investigations focusing on the same persons and objects can be mapped more efficiently, and the procedures of EU countries will be more effectively assisted by mutual access to the data of cooperating third countries via Europol.

The three main areas of the Code of Police Cooperation are the directive on the exchange of information between the law enforcement authorities of the European Union member states replacing the Swedish Framework Decision (URL5), aimed at improving the exchange of information, and the Prüm II regulation on the automated exchange of information during police cooperation (URL6), as well as the Council recommendation on operational police cooperation (URL7).

The directive introduces as a general rule the involvement of Europol in international law enforcement information exchange, and by making the use of SIENA the default (except for cases where EU law does not regulate otherwise) will remedy the perplexity of communication channels used for the exchange of law enforcement information between member states. Thanks to Prüm II, the agency also became involved in the automated biometric (i.e. dactyloscopic data, DNA and, in the future, facial images) control in relation to the fingerprints and DNA stored there and shared by third countries. EPRIS (URL8), which is also regulated in this instrument, will represent a new data connection for each member state in terms of police records. With its help, investigators will only have to reach out to countries in the first place that, based on a preliminary check, have potential data regarding the suspects that have arisen in the procedures of specific cases.

Prüm II also gives Europol a strengthened role in the renewed data exchange, as it brings the large amount of biometric data stored there on terrorists and criminals from third countries into the Prüm framework. In the future, the agency should be able to conduct searches in the Member States' databases under the Prüm mechanism based on data received from third countries, especially in relation to cross-border investigations. If the data used for the search match the data stored in the Member States' databases, the Member States can also provide Europol with the information necessary to achieve its goals.

Interoperability

It is also a forward-looking innovation that the interoperability of our information systems operating in the field of EU Justice and Home affairs is no longer just a vision (Jánosi, 2023). In 2019, two regulations were passed to establish the connection between law enforcement and non-law enforcement systems. These interoperability elements must link the EU Entry/Exit System (EES), the Visa Information System (VIS), the European Traveller Information and Authorization System (ETIAS), the European system for comparing fingerprints of asylum seekers (Eurodac), and the European Criminal Records Information System in third countries the part concerning judgments handed down against citizens (ECRIS-TCN) in such a way that, in appropriate cases, both law enforcement agencies (investigators, counter-terrorism) and Europol can query them. In addition to helping EU law enforcement, the connection should also cover Europol data to an extent that allows them to be queried simultaneously with these EU information systems (URL9).

The interoperability elements must apply to persons whose personal data can be managed in the EU information systems and by Europol, i.e. third-country nationals whose personal data are managed by the EU information systems and the agency. In addition, the instrument creates a new opportunity for the designated law enforcement authorities of the Member States and Europol to have easier access to data other than personal identification data found in the individual systems. The European Search Portal (ESP) will allow Europol to query Basic Protection Level (BPL) data.

The role of Europol in law enforcement in the near future connected by these systems may be appreciated even more because the cooperating third countries store a very significant amount of data at the agency, from which any domestic law enforcement organization can query them and use them in its procedures – of course, if the appropriate legal, especially data protection, conditions are met

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Online links in the article

URL1: *Serious and Organised Crime Threat Assessment.* https://www.europol.europa.eu/publications-events/main-reports/socta-report

URL2: *Decoding the EU's most threatening criminal networks.* https://www.europol.europa.eu/publication-events/main-reports/decoding-eus-most-threatening-criminal-networks

URL3: *Eight arrested for sexual exploitation in Belgium and Hungary.* https://www.europol.europa.eu/media-press/newsroom/news/eight-arrested-for-sexual-exploitation-in-belgium-and-hungary

URL4: *Europol Victim Identification Taskforce leads to rescue of three sexually abused children.* https://www.europol.europa.eu/media-press/newsroom/news/europol-victim-identification-taskforce-leads-to-rescue-of-three-sexually-abused-children

URL5: *Directive (EU) 2023/977 of the European Parliament and of the Council of 10 May 2023 on the exchange of information between the law enforcement authorities of Member States and repealing Council Framework Decision 2006/960/JHA.* https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32023L0977

URL6: *Regulation (EU) 2024/982 of the European Parliament and of the Council of 13 March 2024 on the automated search and exchange of data for police cooperation, and amending Council Decisions 2008/615/JHA and 2008/616/JHA and Regulations (EU) 2018/1726, (EU) No 2019/817 and (EU) 2019/818 of the European Parliament and of the Council (the Prüm II Regulation).* https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R0982

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URL8: *European Police Records Index System.* https://home-affairs.ec.europa.eu/system/files/2020-09/epris-final_report_en.pdf

URL9: *Az Európai Parlament és a Tanács rendelete az uniós információs rendszerek (rendőrségi és igazságügyi együttműködés, menekültügy és migráció) közötti interoperabilitás keretének létrehozásáról.* https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52017PC0794

Law and regulation

Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing

and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA

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